

The U.S. Equal Employment Opportunity Commission (EEOC), the National Council on Disability (NCD), and the U.S. Department of Justice (DOJ) today jointly released two new publications addressing how to ensure that mediation of equal employment opportunity disputes is accessible to people with disabilities. The publications are available at [http://www.ada.gov/mediation\\_ta.htm](http://www.ada.gov/mediation_ta.htm).

"More than ever, employers and employees are turning to mediation and other forms of alternative dispute resolution to resolve EEO disputes," said EEOC Chair Cari M. Dominguez, who has made expansion of voluntary mediation a top priority. "These new materials will help ensure that the benefits of mediation can be available to everyone."

The documents, entitled "Questions and Answers for Mediation Providers: Mediation and the Americans with Disabilities Act" and "Questions and Answers for Parties to Mediation: Mediation and the Americans with Disabilities Act," address the obligations of all private and public sector mediation providers, including employers that offer their employees mediation as a benefit of employment. The documents are written in a question-and-answer format and discuss topics such as:

- \* Types of reasonable accommodations that may be necessary to make mediation accessible to people with disabilities;
- \* Best practices for ensuring that mediation is accessible;
- \* The confidentiality of medical information disclosed during mediation; and,
- \* Recommended types of ADA training for mediators.

"These documents will enhance the use of mediation by people with disabilities to resolve employment disputes and will highlight the importance of reasonable accommodation in the alternative dispute resolution process," according to NCD Chairperson Lex Frieden. "NCD is pleased to collaborate with EEOC and DOJ to use our experience and expertise in providing technical assistance on disability issues in the mediation of employment discrimination disputes."

Both EEOC and DOJ have successfully used mediation to further their respective missions and to enhance customer service. More than 35,000 charges of discrimination have been resolved through EEOC's private sector mediation program the largest workplace mediation program of its kind in the country since it was launched in 1999. In Fiscal Year 2004, EEOC achieved a record 8,086 successful resolutions through the agency's voluntary national mediation program, resulting in \$112 million in monetary benefits in addition to non-monetary benefits, such as changes in employer policies and reasonable accommodations for employees.

Additionally, EEOC and more than 670 employers have agreed to refer charges filed to mediation as an alternative to traditional investigation with an option to continue with investigation if mediation does not resolve the charge. In some cases, EEOC will also refer charges back to participating employers' internal alternative dispute resolution (ADR) programs. In federal sector employment, EEOC has enhanced the use of ADR by providing agencies with technical assistance in establishing their own programs and by expanding a Federal Sector ADR Web page at [www.eeoc.gov](http://www.eeoc.gov).

DOJ, through a contract with the Key Bridge Foundation, refers for mediation complaints it receives under Title II and Title III of the ADA. An increasing number of people with disabilities and disability rights organizations are specifically requesting that DOJ refer their complaints to mediation. Under the contract with Key Bridge, more than 400 professional mediators, fully trained in the legal requirements of the ADA, are available nationwide to mediate these cases. Over 75 percent of the cases in which mediation has been completed, have been successfully resolved.

"Mediation is an important and effective option for achieving positive resolutions of ADA complaints," said R. Alexander Acosta, Assistant Attorney General for DOJ's Civil Rights Division. "Our mediation program continues to be enormously successful in producing tangible benefits for the participants."

EEOC enforces Title I of the Americans with Disabilities Act, which prohibits discrimination against individuals with disabilities by private and state and local government employers, and Section 501 of the Rehabilitation Act, which prohibits discrimination against individuals with disabilities who are federal employees and applicants for federal employment. EEOC also enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination on the basis of race, sex, national origin, color, and religion; the Age Discrimination in Employment Act, which prohibits discrimination against individuals age 40 and older; and the Equal Pay Act. While EEOC may investigate and resolve charges under the ADA and Title VII against state and local government employers, it must refer litigation of such charges to DOJ.

NCD is an independent federal agency making recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families. NCD is composed of 15 members appointed by the President and confirmed by the U.S. Senate. Its purpose is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and to empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

The Civil Rights Division of DOJ is responsible for litigating cases under Title VII of the Civil Rights Act of 1964, against state and local government employers, and for enforcing Titles II and III of the ADA. Title II prohibits discrimination on the basis of disability with respect to all programs and activities carried on by state and local governments; Title III prohibits discrimination by places of public accommodation. The Civil Rights Division also coordinates the Federal Government's enforcement of Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of disability with respect to federally-funded and federally-conducted programs and activities.

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